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Jorge A. Goldstein
David K.S. Cormwell
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Tracy-Gene G. Durkin
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Young Tang

Christopher J. Walsh
W. Blake Coblenz
James J. Pohl*
John T. Haran
Mark W. Rygiel
Kevin W. McCabe
Michael R. Malek*
Doyle A. Siever*
Ulrike Winkler*

Registered Patent Agents*
Karen R. Markowicz
Matthew J. Dowd
Katrina Yujian Pei Quach
Bryan L. Skelton
Robert A. Schwartzman
Julie A. Heider
Mita Mukherjee

Scott M. Woodhouse
Peter A. Socarras
Jeffrey K. Mills
Danielle L. Letting
Lori Brandes
Steven C. Oppenheimer

Of Counsel
Edward J. Kessler
Kenneth C. Bass III
Marvin C. Guthrie

*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

February 5, 2007

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1617

WRITER'S DIRECT NUMBER:
(202) 772-8679
INTERNET ADDRESS:
TSHEA@SKGF.COM

Re: U.S. Utility Patent Application
Application No. 10/646,145; Filed: August 22, 2003
For: **Composition Comprising the Extract of *Actinidia arguta* and Related
Species for the Prevention and Treatment of Allergic Disease and
Non-allergic Inflammatory Disease**
Inventors: KIM *et al.*
Our Ref: 2540.0020001/TJS/M-N

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Processing Fee Under 37 C.F.R. § 1.17(i) Transmittal (PTO/SB/17i);
2. Credit Card Payment Form (PTO-2038) in the amount of \$130.00 to cover the processing fee;
3. Request to Correct Inventorship in a Nonprovisional Patent Application Under 37 C.F.R. § 1.48(a)(1);
4. Four (4) Statements Under 37 C.F.R. § 1.48(a)(2) of a Person to be Deleted as an Inventor;
5. Executed Declaration for Patent Application;
6. Power of Attorney from Assignee;
7. Consent of Assignee Under 37 C.F.R. § 1.48(a)(5);
8. Statement Under 37 C.F.R. § 3.73(b); and

Commissioner for Patents
February 5, 2007
Page 2

9. One (1) return postcard.

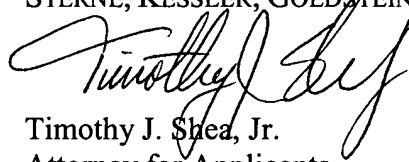
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Timothy J. Shea, Jr.
Attorney for Applicants
Registration No. 41,306

TJS/M-N/jk
Enclosures

637195v1



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PROCESSING FEE
Under 37 CFR 1.17(i)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/646,145
Filing Date	August 22, 2003
First Named Inventor	Sunyoung KIM
Art Unit	1617
Examiner Name	To Be Assigned
Attorney Docket Number	2540.0020001/TJS/M-N

Enclosed is a paper filed under 37 CFR § 1.48 that requires a processing fee (37 CFR 1.17(i)).
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the processing fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 19-0036 :

☐ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,
Except for § 1.221 papers (Fee Code 1803)

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
- § 1.99(e) - for processing a belated submission under § 1.99.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature

Timothy J. Shea, Jr.

Typed or printed name

February 5, 2007

Date

41,306

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2. 637236_1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KIM *et al.*

Appl. No.: 10/646,145

Filed: August 22, 2003

For: **Composition Comprising the
Extract of *Actinidia arguta* and
Related Species for the Prevention
and Treatment of Allergic Disease
and Non-allergic Inflammatory
Disease**

Confirmation No.: 8727

Art Unit: 1617

Examiner: LAMM, Marina

Atty. Docket: 2540.0020001/TJS/M-N

**Request to Correct Inventorship in a Nonprovisional Patent
Application Under 37 C.F.R. § 1.48(a)(1)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) requests that the United States Patent and Trademark Office correct inventorship in the above-captioned nonprovisional patent application for which an oath or declaration has already been filed. Specifically Applicants requests that the Office change the inventorship in this application from **Bongcheol KIM, Mirim JIN, Eun Jin PARK, Hyung Jin JUNG, Sung Seup SHIN, Jin Hwan OH, Hwa Jun LEE, Sunyoung KIM and Hyang JEON** to **Sunyoung KIM, Eun Jin PARK, Bongcheol KIM, Mirim JIN and Hwa Jun LEE**.

This request is accompanied by:

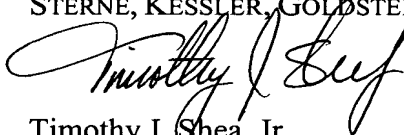
- (1) A statement from each person to be added as an inventor, and/or each person to be deleted as an inventor, stating that the error in inventorship was made without deceptive intent on his or her part;

- (2) An oath or declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63 or as permitted by 37 C.F.R. §§ 1.42, 1.43 or 1.47;
- (3) The written consent of the assignee of the originally named inventors;
- (4) The processing fee as set forth under 37 C.F.R. § 1.17(i), in the amount of \$130.00.

Applicants hereby authorize the U.S. Patent and Trademark Office to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Timothy J. Shea, Jr.
Attorney for Applicants
Registration No. 41,306

Date: February 5, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KIM *et al.*

Appl. No.: 10/646,145

Filed: August 22, 2003

For: **Composition Comprising the
Extract of Actinidia arguta and
Related Species for the Prevention
and Treatment of Allergic Disease
and Non-allergic Inflammatory
Disease**

Confirmation No.: 1616

Art Unit: LAMM, Marina

Examiner: 8727

Atty. Docket: 2540.0020001/TJS/M-N

**Statement Under 37 C.F.R. § 1.48(a)(2) of a
Person to be Deleted as an Inventor**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I am not an inventor/coinventor of the invention of one or more claims in the above-captioned nonprovisional application for which an oath or declaration under 37 C.F.R. § 1.63 has been filed erroneously naming me as an inventor. The inventorship error occurred without deceptive intent on my part. I have read and understand 37 C.F.R. § 10.18(b).

Signed: 

Jin Hwan OH

Date:

2006.12.27

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KIM *et al.*

Appl. No.: 10/646,145

Filed: August 22, 2003

For: Composition Comprising the
Extract of *Actinidia arguta* and
Related Species for the Prevention
and Treatment of Allergic Disease
and Non-allergic Inflammatory
Diseases

Confirmation No.: 1616

Art Unit: LAMM, Marina

Examiner: 8727

Any Docket: 2540.0020001/TJS/M-N

Statement Under 37 C.F.R. § 1.48(a)(2) of a
Person to be Deleted as an Inventor

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

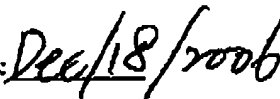
Sir:

I am not an inventor/coinventor of the invention of one or more claims in the
above-captioned nonprovisional application for which an oath or declaration under 37
C.F.R. § 1.63 has been filed erroneously naming me as an inventor. The inventorship
error occurred without deceptive intent on my part. I have read and understand 37 C.F.R.
§ 10.18(b).

Signed:


Hyung Jia JUNG

Date:


Dec 18 / 2006

611001v4

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KIM *et al.*

Appl. No.: 10/646,145

Filed: August 22, 2003

For: Composition Comprising the
Extract of *Actinidia arguta* and
Related Species for the Prevention
and Treatment of Allergic Disease
and Non-allergic Inflammatory
Disease

Confirmation No.: 1616

Art Unit: LAMM, Marina

Examiner: 8727

Atty. Docket: 2540.0020001/TJS/M-N

Statement Under 37 C.F.R. § 1.48(a)(2) of a
Person to be Deleted as an Inventor

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I am not an inventor/coinventor of the invention of one or more claims in the above-captioned nonprovisional application for which an oath or declaration under 37 C.F.R. § 1.63 has been filed erroneously naming me as an inventor. The inventorship error occurred without deceptive intent on my part. I have read and understand 37 C.F.R. § 10.18(b).

Signed:  Date: 12/18/06
Sung Seup SHIN

44 (1-4-201)

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23 JAN '07 16:44 SINDORICOH

P.2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KJM *et al.*

Appl. No.: 10/646,145

Filed: August 22, 2003

For: Composition Comprising the
Extract of *Actinidia arguta* and
Related Species for the Prevention
and Treatment of Allergic Disease
and Non-allergic Inflammatory
Disease

Confirmation No.: 1616

Art Unit: LAMM, Marina

Examiner: 8727

Atty. Docket: 2540.0020001/TJS/M-N

Statement Under 37 C.F.R. § 1.48(a)(2) of a
Person to be Deleted as an Inventor

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I am not an inventor/coinventor of the invention of one or more claims in the
above-captioned nonprovisional application for which an oath or declaration under 37
C.F.R. § 1.63 has been filed erroneously naming me as an inventor. The inventorship
error occurred without deceptive intent on my part. I have read and understand 37 C.F.R.
§ 10.18(b).

Signed: 

Hyang JEON

Date: 2/1/2007

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Declaration for Patent Application

Docket Number: 2540.0020001/TJS/M-N

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **Composition Comprising the Extract of *Actinidia arguta* and Related Species for the Prevention and Treatment of Allergic Disease and Non-allergic Inflammatory Disease**, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on August 22, 2003;
as United States Application Number 10/646,145; and
was amended on March 24, 2005 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications(s):

Priority
Claimed

(Application No.) (Country) (Day/Month/Year
Filed)

☐ Yes ☐ No

(Application No.) (Country) (Day/Month/Year
Filed)

☐ Yes ☐ No

Send Correspondence to:

Customer No. 26111

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


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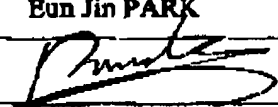
Appl. No. 10/646,145
Docket No. 2540.0020001/TJS/M-N


1100 New York Avenue, N.W.
Washington, D.C. 20005-3934

Direct Telephone Calls to: (202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

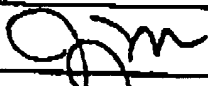
Full name of first Inventor:	Sunyoung KIM
Signature of first Inventor:	 Date: Dec 11, 2006
Residence:	GyeongGi-Do, Korea
Citizenship:	KR
Mailing Address:	390 Ego-ri Soheul-eup Pocheon-si, GyeongGi-Do, Korea 487-821

Full name of second Inventor:	Bun Jin PARK
Signature of second Inventor:	 Date: Dec 11, 2006
Residence:	Seoul, Korea
Citizenship:	KR
Mailing Address:	Hyundai Apt. #502-802, Dansan-dong, Youngdeungpo-gu, Seoul, Korea 150-754

Full name of third Inventor:	Bongcheol KIM
Signature of third Inventor:	 Date: Dec 12, 2006
Residence:	GyeongGi-Do, Korea
Citizenship:	KR
Mailing Address:	HanYang Apt. #111-802 Saem-Maul, Galsan-dong, DongAn-ku, AnYang, GyeongGi-Do, Korea 431-705

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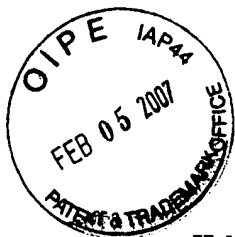
Appl. No. 10/646,145
Docket No. 2540.0020001/TJS/M-N

Full name of fourth Inventor:	Minim JIN
Signature of fourth Inventor:	 Date: Dec 13 2006
Residence:	Seoul, Korea
Citizenship:	KR
Mailing Address:	Tower Place Apt. #A-3905, Dogok-dong 467, Gangnam-gu, Seoul, Korea 135-542

Full name of fifth Inventor:	Hwa Jun LEE
Signature of fifth Inventor:	이 화 준 Date: 2006 12.4
Residence:	GyeongGi-Do, Korea
Citizenship:	KR
Mailing Address:	Ssangyong 2Chs Apt. #173-1103, Sanghyeonmaeul, Sanghyun-dong, Suji-gu, Yongin, GyeongGi-Do, Korea 448-522

611479v1

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**POWER OF ATTORNEY FROM ASSIGNEE**

Helixir Co., Ltd., a corporation of Korea, having a principal place of business at 304 Biotechnology Incubating Center, Seoul National University, Gwanak-gu, Seoul, Korea 151-742, is assignee of the entire right, title, and interest for the United States of America (as defined in 35 U.S.C. §100), by reason of an Assignment executed on March 30, 2006, of an invention known as **Composition Comprising the Extract of *Actinidia arguta* and Related Species for the Prevention and Treatment of Allergic Disease and Non-allergic Inflammatory Disease** (Attorney Docket No. 2540.0020001/TJS/M-N), that is disclosed and claimed in a patent application of the same title by the inventors Sunyoung KIM, Eun Jin PARK, Bongcheol KIM, Mirim JIN and Hwa Jun LEE (said application has a Filing Date or a 371(c) Date of August 22, 2003, at the U.S. Patent and Trademark Office, and having Application Number 10/646,145).

For the purpose of PAIR, the Customer Number is 26111.

The Assignee hereby appoints the patent practitioners associated with **CUSTOMER NUMBER 26111** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith. The Assignee hereby grants said patent practitioners associated with **CUSTOMER NUMBER 26111** the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

CUSTOMER NUMBER 26111
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
U.S.A.

Direct phone calls to 202-371-2600.

FOR: Helixir Co., Ltd

SIGNATURE: Jongmoon Kim

BY: Jongmoon Kim

TITLE: Managing Director

DATE: January 5, 2007

611491v1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KIM *et al.*

Appl. No.: 10/646,145

Filed: August 22, 2003

**For: Composition Comprising the
Extract of Actinidia arguta and
Related Species for the Prevention
and Treatment of Allergic Disease
and Non-allergic Inflammatory
Disease**

Confirmation No.: 1616

Art Unit: LAMM, Marina

Examiner: 8727

Atty. Docket: 2540.0020001/TJS/M-N

Consent of the Assignee Under 37 C.F.R. § 1.48(a)(5)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

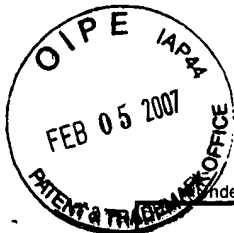
Helixir Co., Ltd., assignee of the entire right, title and interest of the originally named inventors of the above-captioned application, consents to the change in inventorship from Bongcheol KIM, Mirim JIN, Eun Jin PARK, Hyung Jin JUNG, Sung Seup SHIN, Jin Hwan OH, Hwa Jun LEE, Sunyoung KIM and Ilyang JEON to Sunyoung KIM, Eun Jin PARK, Bongcheol KIM, Mirim JIN and Hwa Jun LEE. I have read and understand 37 C.F.R. § 10.18(b).

For: Helixir Co., Ltd.

Signature: Jongmoon Kim
Type or Print name: Jongmoon Kim
Title: Managing Director
Date: January 5, 2007

611832v1

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PTO/SB/96 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

2540.0020001/TJS/M-N

Applicant/Patent Owner: Sunyoung KIM et al.Application No./Patent No.: 10/646,145 Filed/Issue Date: August 22, 2003Entitled: Composition Comprising the Extract of Actinidia arguta and Related Species for the Prevention and Treatment of Allergic Disease and Non-allergic Inflammatory DiseaseHelixir Co., Ltd, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 017822, Frame 0964, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

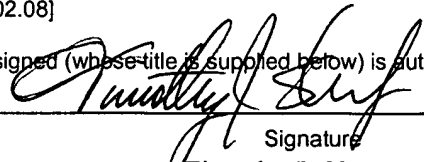
1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature
Timothy J. Shea, Jr.

February 5, 2007

Date
(202) 371-2600

Printed or Typed Name

Telephone Number

Attorney of Record

Title

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